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SENATE BILL 430

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO THE LEGISLATURE; CREATING THE LEGISLATIVE HEALTH COMMITTEE; CREATING THE LEGISLATIVE HUMAN SERVICES OVERSIGHT COMMITTEE; ABOLISHING THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] CREATION OF LEGISLATIVE HEALTH COMMITTEE--MEMBERS--NUMBER--APPOINTMENT--TERMS--STAFF.--

A. A permanent joint interim committee of the legislature to be called the "legislative health committee" is created. The committee shall be composed of fourteen members, seven from the senate and seven from the house of representatives. The house health and government affairs committee and the senate public affairs committee shall be

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1 represented. The committee members shall be appointed for
2 terms of two years or less, expiring on the first day of each
3 regular session that convenes in an odd-numbered year. The
4 term of any member shall terminate when the member ceases to be
5 a member of the legislature. Members of the senate shall be
6 appointed by the committees' committee of the senate or, if the
7 appointment is made in the interim, by the president pro
8 tempore after consultation with and agreement of a majority of
9 the members of the committees' committee. Members of the house
10 of representatives shall be appointed by the speaker of the
11 house of representatives. Minority members shall be appointed
12 by the speaker only from recommendations made by the minority
13 floor leader; provided that the speaker shall retain the right
14 to reject any such recommendations. Vacancies on the committee
15 shall be filled for the unexpired term by the respective
16 appointing authority that makes the original appointments and
17 shall be subject to the same recommendations; provided that
18 members shall be appointed from the respective houses, parties
19 and committees so as to maintain the same number of house and
20 senate members and the same representation of standing
21 committees as provided in the original appointments. Each of
22 the two parties having the greatest number of members in the
23 legislature shall be represented on the committee in proportion
24 to the membership of each such party in each house; provided
25 that in the computation, major fractions shall be counted as

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1 whole numbers and in no event shall either of the two major
2 parties have less than one member from each house.

3 B. The officers of the committee shall be a chair
4 and a vice chair. Each office shall be alternated between the
5 respective houses every two years. For the term beginning in
6 2008, the chair shall be a house member and the vice chair
7 shall be a senate member. The appointing authority of each
8 house shall exercise its appointing authority by naming the
9 chair or vice chair respectively on this alternating basis.

10 C. No action shall be taken by the committee if a
11 majority of the total membership from either house on the
12 committee rejects such action.

13 D. Staff for the committee shall be provided by the
14 legislative council service.

15 Section 2. [NEW MATERIAL] DUTIES OF THE COMMITTEE.--The
16 legislative health committee shall:

17 A. conduct a continuing study of all health care in
18 New Mexico, including the programs, agencies, policies, issues,
19 needs and costs relating to health and health care systems;

20 B. conduct a continuing review and study of the
21 statutes, constitutional provisions, regulations and court
22 decisions governing programs, agencies and issues relating to
23 health;

24 C. by September 1, 2010, submit a written report to
25 the governor and legislature with findings and recommendations,

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1 after consideration of actuarial, solvency, fiscal and policy
2 analyses, and after public and stakeholder input, regarding:

3 (1) the efficacy of creating a state health
4 care authority;

5 (2) whether or how to consolidate any
6 actuarial pools; and

7 (3) whether to allow private employers to
8 purchase coverage through any state programs or pools;

9 D. recommend changes in laws relating to health and
10 health care, if any are deemed desirable, and draft and present
11 to the legislature any legislation deemed necessary; and

12 E. prepare and publish by December 1 of each year
13 for the upcoming legislative session an annual report of its
14 findings and recommendations relating to the adoption of
15 legislation and rules, if any are found to be necessary, and
16 make additional reports as it deems necessary.

17 Section 3. A new Section 2-3-8.1 NMSA 1978 is enacted to
18 read:

19 "2-3-8.1. [NEW MATERIAL] HEALTH CARE UNIT.--

20 A. The legislative council service shall establish
21 a "health care unit", staffed by persons knowledgeable and
22 proficient in the areas of health and health care, research or
23 policy analysis.

24 B. The health care unit shall staff the legislative
25 health committee, conduct research and develop policy options

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1 regarding health care coverage and access, health professional
2 supply and quality of health care and other health issues."

3 Section 4. Section 2-17-1 NMSA 1978 (being Laws 1998,
4 Chapter 8, Section 21 and Laws 1998, Chapter 9, Section 21, as
5 amended by Laws 2003, Chapter 311, Section 1 and by Laws 2003,
6 Chapter 432, Section 1) is amended to read:

7 "2-17-1. [~~WELFARE REFORM~~] HUMAN SERVICES OVERSIGHT
8 COMMITTEE CREATED [~~TERMINATION~~].--The joint interim legislative
9 [~~"welfare reform~~] "human services oversight committee" is
10 created. [~~The committee shall function from the date of its~~
11 ~~appointment until December 15 prior to the first session of the~~
12 ~~forty-ninth legislature.~~]"

13 Section 5. Section 2-17-2 NMSA 1978 (being Laws 1998,
14 Chapter 8, Section 22 and Laws 1998, Chapter 9, Section 22) is
15 amended to read:

16 "2-17-2. MEMBERSHIP--APPOINTMENT--VACANCIES.--

17 A. The [~~welfare reform~~] human services oversight
18 committee shall be composed of twelve members. The New Mexico
19 legislative council shall appoint six members from the house of
20 representatives and six members from the senate. At the time
21 of making the appointment, the legislative council shall
22 designate the [~~chairman~~] chair and vice [~~chairman~~] chair of the
23 committee.

24 B. Members shall be appointed from each house so as
25 to give the two major political parties in each house the same

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1 proportionate representation on the committee as prevails in
2 each house; however, in no event shall either party have less
3 than one member from each house on the committee. At the
4 request of the committee [~~chairman~~] chair, members may be
5 removed from the committee by the New Mexico legislative
6 council for nonattendance according to council policy.
7 Vacancies on the committee, however caused, may be filled by
8 the legislative council, or the council may reduce the size of
9 the committee by not making replacement appointments and in
10 that case need not readjust party representation.

11 C. An action shall not be taken by the committee if
12 a majority of the total membership from either house on the
13 committee rejects that action."

14 Section 6. Section 2-17-3 NMSA 1978 (being Laws 1998,
15 Chapter 8, Section 23 and Laws 1998, Chapter 9, Section 23) is
16 amended to read:

17 "2-17-3. DUTIES.--

18 A. After its appointment, the [~~welfare reform~~]
19 human services oversight committee shall hold one
20 organizational meeting to develop a work plan and budget for
21 the ensuing interim. The work plan and budget shall be
22 submitted to the New Mexico legislative council for approval.
23 Upon approval of the work plan and budget by the legislative
24 council, the committee shall:

25 (1) examine the statutes, constitutional

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1 provisions and rules governing welfare reform in New Mexico;

2 (2) monitor and oversee the implementation of
3 the New Mexico Works Act;

4 (3) review issues related to welfare reform,
5 including job training programs and related contracts; cash
6 assistance; child care, transportation and other job-related
7 services; and other issues that arise because of the devolution
8 of the federal welfare programs to the states; [~~and~~

9 ~~(4) make recommendations relating to the~~
10 ~~adoption of rules and legislation, if any are found to be~~
11 ~~necessary]~~

12 (4) conduct a continuing study of the
13 programs, agencies, policies, issues and needs relating to
14 human services in New Mexico, including review and study of the
15 statutes, constitutional provisions, regulations and court
16 decisions governing such programs, agencies, policies, issues
17 and needs;

18 (5) study the full continuum of programs and
19 services available and needed for children, families and the
20 aging population; and

21 (6) prepare and publish by December 1 of each
22 year for the upcoming legislative session an annual report of
23 its findings and recommendations relating to the adoption of
24 rules and legislation, if any are found to be necessary.

25 B. The committee shall regularly receive testimony

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1 from the secretaries of human services; labor; children, youth
2 and families; ~~[and]~~ health; and ~~[the superintendent of public~~
3 ~~instruction]~~ public education on issues arising from the
4 implementation of the New Mexico Works Act and shall review
5 proposed rules, schedules and formulae before adoption."

6 Section 7. Section 2-17-4 NMSA 1978 (being Laws 1998,
7 Chapter 8, Section 24 and Laws 1998, Chapter 9, Section 24) is
8 amended to read:

9 "2-17-4. SUBCOMMITTEES.--Subcommittees shall be created
10 only by majority vote of all members appointed to the ~~[welfare~~
11 ~~reform]~~ human services oversight committee and with the prior
12 approval of the New Mexico legislative council. A subcommittee
13 shall be composed of at least one member from the senate and
14 one member from the house of representatives, and at least one
15 member of the minority party shall be a member of the
16 subcommittee. Any meeting or expenditure of a subcommittee
17 shall be approved by the full committee in advance of that
18 meeting or expenditure, and the approval shall be shown in the
19 minutes of the committee."

20 Section 8. Section 2-17-6 NMSA 1978 (being Laws 1998,
21 Chapter 8, Section 26 and Laws 1998, Chapter 9, Section 26) is
22 amended to read:

23 "2-17-6. STAFF.--The staff for the ~~[welfare reform]~~ human
24 services oversight committee shall be provided primarily by the
25 legislative council service, but the legislative council

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1 service may request the assistance of the legislative finance
2 committee staff at the direction of the [~~welfare reform~~] human
3 services oversight committee."

4 Section 9. Section 9-7-11.2 NMSA 1978 (being Laws 1991,
5 Chapter 139, Section 2, as amended) is amended to read:

6 "9-7-11.2. NEW MEXICO HEALTH POLICY COMMISSION
7 CREATED--COMPOSITION--DUTIES.--

8 A. There is created the "New Mexico health policy
9 commission", which is administratively attached to the
10 department of finance and administration.

11 B. The New Mexico health policy commission shall
12 consist of nine members appointed by the governor with the
13 advice and consent of the senate to reflect the ethnic,
14 economic, geographic and professional diversity of the state.
15 A majority of the commission members shall have no pecuniary or
16 fiduciary interest in the health services industry while
17 serving or for three years preceding appointment to the
18 commission. Three members shall be appointed for one-year
19 terms, three members shall be appointed for two-year terms and
20 three members shall be appointed for three-year terms, and all
21 subsequent appointments shall be made for three-year terms.

22 C. The New Mexico health policy commission shall
23 meet at the call of the chair and shall meet not less than
24 quarterly. The chair shall be elected from among the members
25 of the commission. Members of the New Mexico health policy

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1 commission shall not be paid but shall receive per diem and
2 mileage expenses as provided in the Per Diem and Mileage Act.

3 D. The New Mexico health policy commission shall
4 establish task forces as needed to make recommendations to the
5 commission on various health issues. Task force members may
6 include individuals who have expertise or a pecuniary or
7 fiduciary interest in the health services industry. Voting
8 members of a task force may receive mileage expenses if they:

9 (1) are members who represent consumer
10 interests;

11 (2) are individuals who were not appointed to
12 represent the views of the organization or agency for which
13 they work; or

14 (3) represent an organization that has a
15 policy of not reimbursing travel expenses of employees or
16 representatives for travel to meetings.

17 E. The New Mexico health policy commission shall:

18 (1) develop a plan for and monitor the
19 implementation of the state's health policy;

20 (2) obtain and evaluate information from a
21 broad spectrum of New Mexico's society to develop and monitor
22 the implementation of the state's health policy;

23 (3) obtain and evaluate information relating
24 to factors that affect the availability and accessibility of
25 health services and health care personnel in the public and

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1 private sectors;

2 (4) perform needs assessments on health
3 personnel, health education and recruitment and retention and
4 make recommendations regarding the training, recruitment,
5 placement and retention of health professionals in underserved
6 areas of the state;

7 (5) prepare and publish by October 1 each year
8 an annual report describing the progress in addressing the
9 state's health policy and planning issues. The report shall
10 include a ~~[workplan]~~ work plan of goals and objectives for
11 addressing the state's health policy and planning issues in the
12 upcoming calendar year;

13 (6) distribute the annual report to the
14 governor, appropriate state agencies and ~~[interim]~~ appropriate
15 legislative committees and interested parties;

16 (7) establish a process to prioritize
17 recommendations on program development, resource allocation and
18 proposed legislation;

19 (8) provide information and analysis on health
20 issues;

21 (9) serve as a catalyst and synthesizer of
22 health policy in the public and private sectors;

23 (10) respond to requests by the executive and
24 legislative branches of government; and

25 (11) ensure that any behavioral health

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1 projects, including those relating to mental health and
2 substance abuse, are conducted in compliance with the
3 requirements of Section 9-7-6.4 NMSA 1978.

4 F. The New Mexico health policy commission shall
5 provide reports directly to the legislative health committee
6 and shall coordinate the commission's studies, policy
7 recommendations and findings with that committee."

8 Section 10. TEMPORARY PROVISIONS--REFERENCES IN LAW.--All
9 references in law to the welfare reform oversight committee
10 shall be deemed to be references to the human services
11 oversight committee.

12 Section 11. APPROPRIATION.--Five hundred thousand dollars
13 (\$500,000) is appropriated from the general fund to the
14 legislative council service for expenditure in fiscal year 2009
15 to support the legislative health committee created pursuant to
16 this act, including staff, supplies, equipment, contract
17 services and other necessary committee expenses. Any
18 unexpended or unencumbered balance remaining at the end of
19 fiscal year 2009 shall revert to the general fund.

20 Section 12. REPEAL.--Sections 2-13-1 through 2-13-5 and
21 2-17-5 NMSA 1978 (being Laws 1989, Chapter 349, Sections 1
22 through 5 and Laws 1998, Chapter 8, Section 25 and Laws 1998,
23 Chapter 9, Section 25) are repealed.